

06-26-03

CPA/1600
PTO/SB/29 (10/00)Approved for use through 10/31/2002. OMB 0651-0032
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CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL

Submit an original, and a duplicate for fee processing.
(Only for Continuation or Divisional applications under 37 CFR 1.53(d))

CHECK BOX, if applicable:
☐ **DUPLICATE**

| | | | |
|---|---|-----------------|--|
| Address to: Mail Stop CPA Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450 | Attorney Docket No. of Prior Application | 674522-2001.1 | <div style="font-size: 2em; font-weight: bold;">RECEIVED</div> <div style="font-size: 1.2em; font-weight: bold;">JUN 27 2003</div> <div style="font-size: 1.2em; font-weight: bold;">TECH CENTER 1600/2900</div> |
| | First Named Inventor | EPSTEIN et al. | |
| | Examiner Name | Dong Jiang | |
| | Group/Art Unit | 1646 | |
| | Express Mail Label No. | EV 286857544 US | |

This is a request for a ☒ continued prosecution application (CPA) of prior application number 09/478,621, filed on January 5, 2000, entitled **INHIBITING MICRODEVELOPMENT OF MICROVESSELS WITHIN CORONARY OR PERIPHERAL VESSEL WALLS FOR RESTENOSIS/ATHEROSCLEROSIS PREVENTION OR THERAPY.**

NOTES

FILING QUALIFICATIONS: The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 C.F.R. 1.51(b) or (2) the national stage of an international application in compliance with 35 U.S.C. 371. Effective May 29, 2000, a CPA may only be filed in a utility or a plant application if the prior nonprovisional application was filed before May 29, 2000. A CPA may be filed in a design application regardless of the filing date of the prior application. See "Request for Continued Examination Practice changes to and Provisional Application Practice," Final Rule. 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office (Apr. 11, 2000).

C-I-P- NOT PERMITTED: A continuation-in-part application cannot be filed as a CPA under 37 C.F.R. 1.53(d), but must be filed under 37 C.F.R. § 1.53(b).

EXPRESS ABANDONMENT OF PRIOR APPLICATION: The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 C.F.R. 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

ACCESS TO PRIOR APPLICATION: The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 C.F.R. 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

35 U.S.C. 120 STATEMENT: In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 C.F.R. 1.78(a).

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

1. ☐ Enter the unentered amendment previously filed on _____ under 37 C.F.R. 1.116 in the prior nonprovisional application.
2. ☒ A preliminary amendment is enclosed.
3. This application is filed by fewer than all the inventors named in the prior application, 37 C.F.R. 1.53(d)(4).
 - a. ☐ **DELETE** the following inventor(s) named in the prior nonprovisional application:
 - b. ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
4. ☐ A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.
5. Information Disclosure Statement (IDS) is enclosed:
 - a. ☐ PTO-1449
 - b. ☐ Copies of IDS Citations

06/27/2003 BABRAHAI 00000034 09478621

| | |
|------------|-----------|
| 01 FC:2006 | 375.00 OP |
| 02 FC:2202 | 36.00 OP |
| 03 FC:2201 | 84.00 OP |
| 04 FC:2255 | 985.00 OP |

| CLAIMS | (1) FOR | (2) NUMBER FILED | (3) NUMBER EXTRA | (4) RATE | (5) CALCULATIONS |
|--------|--|------------------|------------------|---------------------------------|-------------------|
| | TOTAL CLAIMS (37 CFR. 1.16(c) or (j)) | 24 - 20* = | 4 | x \$ 84 = | \$ 72.00 |
| | INDEPENDENT CLAIMS (37 CFR. 1.16(b) or (i)) | 5 - 3** = | 2 | x \$ 84 = | 168.00 |
| | MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR 1.16(d)) | | | + \$ 280 = | 0.00 |
| | | | | BASIC FEE (37 C.F.R. § 1.16) | 750.00 |
| | Total of above Calculations = | | | | \$ 990.00 |
| | Reduction by 50% for filing by small entity (Note 37 CFR 1.27). | | | | - 495.00 |
| | * Reissue claims in excess of 20 and over original patent. ** Reissue independent claims over original patent | | | | TOTAL = \$ 495.00 |

6. ☒ Small entity status: Applicant claims small entity status. (See 37 CFR 1.27)

7. The Commissioner is hereby authorized to credit overpayments or charge additional fees to Deposit Account No. **50-0320**

- a. ☒ Fees required under 37 C.F.R. 1.16.
b. ☒ Fees required under 37 C.F.R. 1.17.
c. ☒ Fees required under 37 C.F.R. 1.18.

8. ☒ A check in the amount of **\$1480.00** is enclosed (**\$495.00** for filing of CPA; **\$985.00** for extension of time)

9. ☐ Payment by credit card. Form PTO-2038 is attached.

10. ☐ Applicant requests suspension of action under 37 CFR 1.103(b) for a period of _____ months (not to exceed 3 months) and the fee under 37 CFR 1.17(i) is enclosed.

11. ☐ New Attorney Docket Number, if desired _____
[Prior application Attorney Docket Number will carryover to this CPA unless a new Attorney Docket Number has been provided herein.]

12. a. ☐ Receipt For Facsimile Transmitted CPA (PTO/SB/29A)
b. ☒ Return Receipt Postcard (Should be specifically itemized, See MPEP 503).

13. ☒ Other: **REQUEST FOR EXTENSION OF TIME:** A Notice of Appeal was filed on November 19, 2002 and was received by the Patent Office on November 25, 2002, thereby setting the extendable, two-month period for filing an appeal brief to as expiring on January 25, 2003. Pursuant to 37 C.F.R. §§1.136(a) and 1.17(a), it is **respectfully requested that the period for filing an Appeal Brief be extended five months, i.e., up to and including June 25, 2003.** The accompanying check includes \$985.00 in payment of the fee therefore by a small entity. The Commissioner is hereby authorized to charge any additional fee to Deposit Account 50-0320.

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NOTE:

*The prior application's correspondence address will carry over to this CPA
UNLESS a new correspondence address is provided below.*

14. NEW CORRESPONDENCE ADDRESS☒ Customer Number or Bar Code Label**20999**

PATENT TRADEMARK OFFICE

(Insert Customer No. or Attach bar code label here)

or ☐ New correspondence address below

| | | | | | |
|---------|--|-----------|-----------------------|----------|-----------------------|
| Name | FROMMER LAWRENCE & HAUG LLP | | | | |
| Address | 745 Fifth Avenue | | | | |
| City | New York | State | NY | Zip Code | 10151 |
| Country | U.S. | Telephone | (212) 588-0800 | Fax | (212) 588-0500 |

15. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

| | |
|-----------------------------------|---|
| Name (Print/Type) | Thomas J. Kowalski Angela M. Nigro-Collison |
| Signature | <i>Thomas J. Kowalski by Angela M. Nigro-Collison</i> |
| Registration No. (Attorney/Agent) | 32,147 51,107 |
| Date | June 23, 2003 |

CERTIFICATE OF MAILING - SEPARATE PAPER - PATENT APPLICATION

Attorney Docket No. : 674522-2001.1

Title



**INHIBITING DEVELOPMENT OF MICROVESSELS
WITHIN CORONARY OR PERIPHERAL VESSEL WALLS
FOR RESTENOSIS/ATHEROSCLEROSIS PREVENTION
OR THERAPY**

Filed : January 5, 2000

Applicants : EPSTEIN, et al.

Mailed: JUNE 25, 2003 via "Express Mail Label # EV286857544US

I hereby certify that the following papers for the above-referenced application is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to:

MAIL STOP: CPA
COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450

Enclosed: Continued Prosecution Application Transmittal
Preliminary Amendment
Check Number 027088 in the amount of \$1,480.00
Return Receipt Postcard

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Charles Jackson
(Type/printed name of person mailing paper or fee)

Charles Jackson
Signature